

**DAVIE COMMUNITY REDEVELOPMENT AGENCY**

**DECEMBER 12, 2005 - 12:00 P.M.**

**\*\*\*MINUTES \*\*\***

**LOCATION: TOWN HALL COMMUNITY ROOM**

**MEMBERS OF THE TOWN COUNCIL MAY BE PRESENT**

BOARD MEMBERS NAME	MEETINGS PRESENT/ABSENT
Mark Engel, Chair	36/00
Neal Kalis, Vice Chair	46/05
Joan Kovac	44/07
Cindy Lou Gaines	29/01
Terry Santini	20/03

**1. ROLL CALL**

The meeting was called to order at 12:15 p.m. by Chair Mark Engel. Those members present were Chair Mark Engel, Vice Chair Neal Kalis, Committee Members Cindy Lou Gaines, Joan Kovac and Terry Santini. Also present were Redevelopment Administrator Will Allen, Assistant to Department Director Cheryl Ellett and Board Attorney Sue Delegal.

**2. APPROVAL OF MINUTES**

2.1 November 21, 2005

Chair Engel asked if everyone had a chance to review the minutes of November 21, 2005. Mrs. Kovac made a motion for the minutes to be approved. The motion was seconded by Ms. Gaines. In a voice vote, with everyone present, everyone voted in favor. (Motion passed 5-0) A brief discussion ensued concerning Danny Belyeu's resignation.

Chair Engel asked if Report Item 4.1 could be moved up. There were no objections.

**REPORT ITEMS**

**4.1 Purchase of Property At The Northwest Corner of Davie Road and Orange Drive**

Mr. Allen indicated that the CRA Board authorized the purchase of an approximately one-half acre site at the northwest corner of Davie Road and Orange Drive at the September 26, 2005 meeting and the purchase contract was ratified at the November 21, 2005 meeting. The property owned by Wayne Jackson is improved with an 8,500 sq. ft. building. A contract for purchase was signed October 14, 2005 based on a purchase price of \$1.2 million and a copy of the contract was delivered to CRA members. The CRA is proceeding with its due diligence toward closing on the contract. The appraisals confirm the value of \$1.2 million and the title work and survey work has been completed. The Phase 1 and Phase 2 environmental assessment was submitted to the CRA on December 9, 2005. A copy of the report was included in the agenda packet.

Mr. Allen indicated the environmental assessments did raise some environmental issues about the site being a former gas station. Mr. Allen reported that the underground tanks were removed in 1990 and he had done a lot of background work. He indicated that he had spoken with the State DEP this morning and there were remnants of unleaded fuel and leaded fuel that are still in the ground. The remnants are located on the eastern edge of the property which is what was indicated on the Phase II environmental report. Mr. Allen indicated it was rated a 12 out of 100 in the States rating system and the state in their program to get rid of the pollutants are only funding items which are over a rating of 30. Mr. Allen indicated that in a round about way, they indicated that because it was a low rating, they may never get around to funding it because they do the higher priorities first.

Mr. Allen reported that he and Ms. Delegal spoke with the gentleman which completed the Phase II last Friday and he felt if the CRA just went in and took care of the pollutants it might cost somewhere in the neighborhood of \$50,000 - \$100,000.00 which would include removing the soil and burning it but no one really knew what it would cost until the work was started. They also indicated that the CRA might not need to do anything because it was on the edge of the property and if it was tested in three to four years the traces may be gone. Mr. Allen indicated that Ms. Delegal felt this should be brought to the attention of the CRA and wondered how the Board felt.

Mr. Allen also reported that he has moved forward with discussion concerning the adjoining properties and discussions have been favorable with the Moose and with the Davie Apostolic Church.

A report from Munilytics was included in the agenda packet. The report indicates that the option of buying the entire parcel on the corner was very favorable financially toward a future redevelopment or a future Town Hall site. Vice Chair Kalis encouraged Mr. Allen to complete the deal and to take all proper precautions.

Ms. Delegal indicated the inspection period terminates on Tuesday, December 13, 2006 and it should either be a go or a no go as of the 13<sup>th</sup> and that is why they were pushing so hard to get the results of the environmental assessment report. Based on the report, the chances are that although it is on the EDI listing, it will never get to that because the Board will be ready to develop the property prior to funding coming through. Ms. Delegal indicated the Board would have to pay the cost of the clean-up and in order to do the removal of the soil and to do the assessment, it will cost somewhere between \$50,000 - \$100,000. When the process is completed the Board will know what else needs to be done which could range from nothing but continuing to monitor the situation or perhaps some other remedial type of action as the contamination is flowing eastward. Ms. Delegal indicated it was moving slowly and it's moving under Davie Road and potentially, it could go to the property to the east. Ms. Delegal indicated the gentleman used the terms, "It's not that bad," "it's moving slowly," "it's not high priority." She did want to point out that one substance that they do look for is a chlorinated solvent to show that people weren't doing things right and they did not find any evidence of that which lead them to believe that they were not dumping things down the drain that they shouldn't have been and that was a good sign.

Ms. Delegal wanted the Board to understand that the Board will likely incur some fees in connection with the clean-up of the site. Ms. Delegal also indicated that she had spoken with Mr. Jackson attorney on Friday and advised him about the results of the report and that the CRA might ask for an extension.

Discussion ensued regarding the report and the findings. Chair Engel indicated he spoke with Mr. Allen after he read the report and was disappointed that the Phase II indicated exactly what he already knew when the Board started looking at the property. Chair Engel wondered how long it would take to do a site analyst as a site analyst would tell the Board exactly what needs to be done including the scope of services. Ms. Delegal indicated she did not believe they spoke about time frames just cost which was \$50,000 - \$100,000.00 to remove the soil and do an assessment of what is found. Mr. Allen indicated that the environmental people he spoke to indicated that as far as moving in and utilizing the offices they would not require anything and if someone decided to build something different then something may need to be done. Chair Engel felt this was something the CRA should do right away when they close on the property so that if the opportunity to redevelop the property arises, the property is ready.

Mrs. Kovac felt this was a very valuable piece of property and the property begins to do what the Board wants to do which is acquiring property. Chair Engel asked Mr. Jackson if he was willing to grant an extension for the Board to look into it. Mr. Jackson felt this was an issue

that would go on and on and indicated that nobody can give you an answer until they begin to dig it up. Mr. Jackson indicated he wanted to get the deal done and over with and he would really like to come to terms with things at the meeting and asked what it was going to take. Mr. Jackson indicated that he knows the Board came in with a higher appraisal and he was not asking for the higher appraisal amount. Mr. Jackson indicated that the Board came in with an offer of \$1.2 million and he wanted \$1.5 million and he had an offer of \$1.5 even with the contaminated soil and they didn't care and he decided to sell it to the CRA for \$1.2 and indicated he would stick to what he said he was going to do as he wanted to Town to build something nice on the site. Chair Engel felt that regardless of what it is going to cost to do it, if the CRA wants to redevelop this corner it's going to have to be done. Chair Engel indicated that his fear is that someone else will come in and buy it and the building will stay this way forever or until the state decides to clean it up.

Ms. Santini made a motion for the Board to continue with the purchase of the site for the \$1.2 million. The motion was seconded by Ms. Kovac. In further discussion, Vice Chair Kalis wondered if the CRA should obtain an environmental lawyer to inform the Board as to what the possible ramifications are. Ms. Delegal indicated that what she does know is that if the CRA purchases the site and if it begins to contaminate the site or if it continued to migrate to the east and it hasn't been cleaned up then the liability will be on the CRA Board not as the procuring cause of the contamination but as the owner. Ms. Delegal indicated the Board could have some liability to the adjacent property owners and there were some risks and exposures and the Board should assume some liability to adjacent property owners once the Board obtains the site. Ms. Delegal indicated this is a liability that Mr. Jackson has now and is one that the Board will assume when they purchase the site. Chair Engel questioned Mr. Jackson if the Board agreed to accept up to \$100,000 of the clean-up would he be willing to assume any cost above that? Mr. Jackson did not agree. Ms. Delegal indicated she would need to ask for an extension to deal with a warranty deed issues as there were some reservations in favor of the Everglades Land Sale Company and a warranty deed which is unreadable. Ms. Delegal indicated she has been unable to read the warranty deed and is trying to located a readable copy of the document to see what potential reservations there could be and the title company still needs a couple of days to complete this task. Vice Chair Kalis questioned Ms. Delegal under the terms of the contract if you make a title objection as required under schedule B-1 as a requirement is there a 30 day cure period anyway. Ms. Delegal indicated that the title and survey issues have been difficult but they have been able to deal everything and Mr. Webber was working on a couple of issues which she felt were resolvable and felt this was the last issue. Ms. Delegal indicated that under the inspection period, the Board could for any reason walk away from the deal. Ms. Delegal indicated if the Board decided to go forward regarding the environmental she would still ask for an extension until Friday. In a voice vote, with no further discussion, Vice Chair Kalis and Ms. Gaines voted against. (Motion passes 3-2)

Discussion ensued regarding the contract and if it needed to be ratified by Town Council.

## **ACTION THAT WILL BE REQUESTED AT MEETING**

### **3. ACTION ITEMS**

#### **3.1 Review And Approval Of Recommendation To Exempt Children's Services Council of Broward County From Paying Increment Tax Revenues To The Davie CRA**

A request has been made by the Children's Services Council of Broward County (CSC) for an exemption for paying increment tax revenues to the Davie CRA for FY 2005-2006. A copy of the letter of request and accompanying background materials including a report of last year's activities by CSC in the CRA were included in the agenda packet. The exemption for 2004-2005 was the first year in which CSC was granted an exemption. A procedure was put into

place as approved by the Town of Davie Ordinance 2005-1 and the exemption was granted pursuant to an interlocal agreement between the CSC, Town of Davie and the Davie CRA.

An integral part of the agreement is that CSC submits an annual report to measure the effectiveness of their programs and to show the financial expenditures exceeded in the amount which would have been paid in increment funds to the CRA which in 2004-2005 would have been \$67,897. There are a couple of circumstances which make the first annual report and the subsequent request for an exemption for the fiscal year later than anticipated. Due to the fact that the programs were in their first year, the Summer Camp program did not begin until June 6, 2005 and the MOST after school program did not begin until August of 2005. Thus there was not a full year of expenditures as the programs only operated in the four month period from June 6 to October 1. In this relatively short time period, the expenditures for the two programs exceeded \$150,000. There were also other expenditures made in response to the needs created by Hurricane Wilma. It is expected that the same two programs will result in expenditures of more than \$400,000 over the full year for 2005-2006. The amount directly attributed to CRA residents should be over \$150,000 in comparison to the increment to be exempted which calculates to \$85,000. The request for exemption is later than the enabling ordinance calls for which is prior to the fiscal year but there was no experience or data at that time because the programs had just started.

The annual report information shows that more than 100 children were served in the summer program on average and the MOST after school program served 75 children. Both of the programs were operated by Memorial Healthcare Systems. An RFP process was used to select the providers based on providing the best programs for the children. Both programs were operated principally at the Potter Park Multipurpose Facility. The report provides information about performance measures and shows that these programs are not "babysitting" type programs but include recreational activities in addition to educational and cultural activities. Transportation was provided from Davie Elementary School to Potter's Park.

Mr. Allen suggested that the request for exemption be forwarded to Town Council with a recommendation by the CRA to approve the exemption. The programs are growing and provide an opportunity to the youth within the CRA area. The actual amount of funding of these programs will well exceed the amount of funding which would have been collected by the CRA. The amount expected to be spent will be greater for the area directly within the CRA and will include additional benefits to areas such as Palma Nova. Feedback about the programs has been extremely positive. Mr. Allen reported that the ability and dedication of those offering the programs were tested after Hurricane Wilma and the response to those conditions was exemplary from relocating the facility and providing transportation to an alternate location when the facility was being used as a housing shelter to providing counseling to the hurricane victims. The CSC is also requesting that the interlocal agreement be for a period of longer than one year at a time but an annual report would continue to be made.

Ms. Taylor-Prakelt added that in her 30 years of doing neighborhood revitalization programs, she has worked with or funded many after school programs and without reservation this was clearly one of the finest and most well run programs she has ever seen. Ms. Taylor-Prakelt felt the CRA and the Town of Davie is getting the biggest bang for its buck by taking this payment and investing it into a program which is making a meaningful and tangible difference in the lives of children. Ms. Taylor-Prakelt commended Sam Lewis and Tim Curtin as she felt they have done an extraordinary job in engaging these children not just in meaningful activities like math and reading but in other programs that have enhanced them culturally in ways that under privilege children normally would not get. Ms. Taylor-Prakelt also added that during the running of the Red Cross shelter, Mr. Lewis had to relocate the facility within 48 hours and it was not an easy task. Ms. Taylor-Prakelt complimented Sam on his professionalism for relocating the shelter and opening a new shelter for the residents of

the shelter who were extremely traumatized in an effort to engage them in other activities to draw them out of their very difficult situation. Ms. Taylor-Prakelt indicated that she was very proud to be affiliated with Memorial Healthcare and Children's Services Council and felt the Town of Davie owes a great debt of gratitude to the CRA for having the wisdom to enter into this really unique opportunity and to invest the tax increment in ways other than just infrastructure type of improvements.

Ms. King thanked the CRA Board for the partnership to create this opportunity to serve children at risk and indicated it has been a pleasure working with Mr. Allen and Ms. Taylor-Prakelt in helping in the community and felt it has been a great effort and a great investment into the lives of the children.

Discussion ensued regarding parent involvement, staffing, where the children are from, and hours of operation. Charts that were included in the agenda packet were also discussed including where the participants are from.

Discussion ensued about another after school program which is being run at the same facility which has affected the number of participants in the CSC program and that the other program which is being run by the PAL does not offer all the educational components that CSC has to offer.

Mrs. Kovac made a motion for the CRA to exempt CSC from paying the tax increment for the FY 2005-2006 and that the same form of agreement is used as last year. The motion was seconded by Ms. Santini. In further discussion, Mr. Allen indicated that he was not sure if a new interlocal agreement needed to be formed each year or if the current one could be renewed and this item would go before the Council sometime in January. In a voice vote, everyone voted in favor. (Motion carried 5-0)

### 3.2 Agreement With The South Florida Regional Planning Council For Planning Services For Which Funding was approved at the November 21, 2005 CRA Meeting For Land Use Plan Amendment, Land Development Regulations And Right-Of-Way Management Plan Related To Implementing The State Road 7 Charrette

The CRA Board approved funding for planning services by the South Florida Regional Planning Council at the November 21, 2005 CRA meeting. These services are necessary to implement the vision of the "Master Plan" for the State Road 7/441 Charrette. The Davie Town Council adopted Resolution R-2005-236 adopting the vision articulated in the master plan at their September 7, 2005 meeting. An agreement approving the scope of services to be provided has been prepared by the CRA Attorney, Sue Delegal, and is attached for the CRA's review and approval. The timing of the land use amendment is very aggressive with the amendment proposed to be submitted by the March, 2006 submittal period. In order to meet such an aggressive schedule there are public meetings which are to be scheduled in December of 2005 prior to the public hearing process. The agreement is structured so that the CRA has approved the funding for these processes which the Town of Davie will need to review and approve.

The agreement will need to be ratified by Town Council as the land use amendment and the land development regulations are Town documents requiring Town action. The fee for the land use amendment is not to exceed \$12,000 while the land development regulations are not to exceed \$41,000. The right-of-way management plan is not to exceed \$30,000. As was stated at the November 21, 2005 meeting, the proposed costs include all of the work to have the documents reviewed and approved at the municipal, county and state levels.

As was discussed previously, these plans are required to be made and adopted in order to make it possible to develop property in this area consistent with the conceptual plan. These

actions can be hastened with the assistance of the CRA. The majority of the area now has a land use designation of Industrial. The type of mixed use developments including housing are not allowed in this category nor does the Land Development Code allow the types of uses envisioned nor the density and bulk envisioned. An appropriate land use district such as Transit Oriented Corridor must be created with a text explaining the purpose of the category and the types of uses allowed in the category. In addition, there needs to be regulations in place after the land use amendment is adopted which permits the implementation of the purpose. Utilizing the services of the South Florida Regional Planning Council is not only an economical means of preparing the plan amendment and land development regulations but this body also can assist in the approval process at Broward County and the State of Florida. It is recommended that the agreement be approved and forwarded to Town Council for ratification.

Vice Chair Kalis made a motion to approve the agreement with the South Florida Regional Planning Council for planning services for which funding was approved at the November 21, 2005 CRA Meeting for Land Use Plan Amendment, Land Development Regulations and Right-Of-Way Management Plan related to implementing the State Road 7 Charrette. The motion was seconded by Mrs. Kovac. In a voice vote, everyone voted in favor. (Motion passed 5-0)

### **3.3 Review Potential Purchase Of Tax Deed For Lot 52, Block 1 of Davie Little Ranches Amended**

Notification was received on December 2, 2005 from Broward County about a tax sale of property located at 4206 SW 57<sup>th</sup> Avenue which is within the boundaries of the CRA's redevelopment area. CRA Attorney, Sue Delegal, will give a report on how this process works. Information about the property is included in the packet. Also included is information from the Broward County Revenue Collection Division providing information about frequently asked questions concerning tax deed sales. The amount of back taxes due for this property is \$6,013.34. The CRA owns the property immediately to the south. Mr. Allen requested direction on whether the CRA would like to pursue purchasing this property and an amount the CRA would be willing to pay at an auction. Vice Chair Kalis made a motion to authorize the Redevelopment Administrator to bid up to \$25,000 on the property. The motion was seconded by Ms. Gaines. Ms. Delegal mentioned that her firm is in the process of doing some title work on the property. In a voice vote, everyone voted in favor. (Motion passed 5-0)

### **3.4 Request To Assist With Funding Of Special Events/Marketing For 2006**

Town of Davie Special Projects Director, Bonnie Stafiej, gave a presentation concerning upcoming events which are taking place in the CRA area. A copy of a letter requesting funding assistance for special events held in the downtown area for 2006 was included in the agenda packet. The requests are for funding of three categories of events including the Orange Blossom Festival, a series of farmer's market events at the rodeo grounds and the Lighting of the Greens. Ms. Stafiej indicated that this is only the third year her department has been doing the Orange Blossom Festival and each year it has become bigger and better. Ms. Stafiej indicated that this year, they have added more of a culture type of show.

The request for funding for the Orange Blossom Festival is \$20,000. The funding would be used for stage entertainment. The CRA donated \$15,000 in 2005. The request for the Lighting of the Greens is for a donation of \$3,500 which would be used to purchase a variety of items. The CRA provided \$3,400 in 2005. The last category is titled Fresh Green Markets to be held at the rodeo grounds on four Saturdays in January, March, May and November. The request is for a total of \$1,200 for entertainment and educational speakers.

This type of assistance is consistent with the Community Redevelopment Plan and with the CRA Marketing Plan for Davie Road adopted in September of 2003. Appropriate pages of these documents were included in the packet. There are broad policies within the redevelopment plan which encourage provision of cultural and entertainment uses to increase activity in the Davie Road area during evenings and weekends. The marketing plan recommends a series of downtown events as an effective way of attracting customers to the Davie Road area. A list of events is suggested in the marketing plan including the three events for which funding is being requested. The Saturday Morning Green Market is described in the marketing report as selling goods from growers as well as plants and crafts and having entertainment. The Orange Blossom Festival is described as one of the most important events in Davie with a long history of success. The report concludes the CRA should support community based events for the purpose of bringing more consumers to the downtown area. Mrs. Kovac made a motion to approve \$24,700 for the three events. (\$20,000 for the 2005-2006 Orange Blossom Festival; \$3,500 for the Lighting of the Greens; and \$1,200 for Fresh Green Markets to be held on four Saturdays in January, March, May and November to cover the cost of entertainment and educational speakers. The motion was seconded by Ms. Santini. In further discussion, Ms. Santini asked Ms. Stafiej if she could get more information out with regard to advertising especially in the western part of Town. Ms. Gaines suggested that something be added on the water bill to promote the event. Chair Engel suggested a banner across the canal to advertise the event. In a voice vote, everyone voted in favor. (Motion carried 5-0)

#### **4.2 Charrette For Town Hall/Downtown Area Rescheduled For January 7, 2006**

The charrette for planning the approximately 70 acre area including Town Hall, Rodeo Grounds, "Huck Liles" property, as well as surrounding areas along Orange Drive and Davie Road has been rescheduled for Saturday, January 7, 2006 at 9:00 a.m. The firm of Dover Kohl & Associates will be providing the professional planning services for this process. Updated public hearing notices, fliers, and ads will be prepared and circulated. Additional stakeholder interviews are being scheduled for December 19, 2005. The completion date for their report has been extended until March 13, 2006.

A report prepared by Munilytics in September of 2005 was included in the agenda packet for your review. This report provides a cost analysis of four alternatives for potential sites for a new Town Hall. This report was commissioned by the Town of Davie. This analysis has been provided to Dover Kohl & Associates.

#### **4.3 Regional Activity Center – Sue Delegal**

Sue Delegal gave a brief update concerning the Davie Regional Activity Center including the status of the agreement between the participating partners on the Steering Committee as well as the status of the contract with the firm selected to provide master planning services, Edward D. Stone, Jr. and Associates (EDSA). Ms. Delegal indicated that Ms. Nolan is working with the staff from EDSA to complete the scope of services at this time; a lot of employees from EDSA have requested time off for the holidays. It is anticipated that this item will go before the Town Council sometime in January.

#### **4.4 Report On Lighting Of The Greens Contribution And Contribution To Assist Hurricane Wilma Victims**

The Lighting of the Greens event was held on Sunday, December 4, 2005. The CRA Board approved the expenditure of \$3,400 to help sponsor the event. The CRA approved a motion to make the contribution of \$3,400 but that the CRA would not sponsor the snow but something more appropriate. It was also stated that the arrangements must be made to bring children and families to the event from the shelter at Potter Park. It is noted that arrangements had been made for such busing but the shelter was closed the night prior to the

Lighting of the Greens. A note from Bonnie Stafiej was included in the agenda packet indicating the items for which the CRA contribution was used.

The CRA Board also approved \$3,400 to assist persons who were affected by Hurricane Wilma who live within the CRA boundaries. After discussions with Shirley Taylor-Prakelt, it was decided to donate one-half of the money to both EASE and HOPE. Included in the agenda packet is a letter which was sent and signed by each of the groups agreeing to use the \$1,700 to provide assistance to CRA residents.

#### **4.5 Resignation of Danny Belyeu From CRA Board**

A letter of resignation from the CRA Board from Danny Belyeu was included in the agenda packet. The resignation was effective as of December 2, 2005.

#### **COMMENTS AND/OR SUGGESTIONS**

- Ms. Nolan indicated that she would like to bring to the Board some information at the next meeting concerning the U-Pull dealership located on SR7/441. Ms. Nolan indicated this was a 32 acre site which the applicant is trying to enter into a developer's agreement with the Town. Ms. Nolan indicated that more information would be provided about the applicants plan for rezoning from the old county code to the new Town of Davie Zoning District.
- Mr. Allen reported that he had a meeting with the owners of the truck stop property and gave an update about a meeting with RTKL and Victor Dover.
- Chair Engel questioned Mr. Allen concerning the McDonalds lighting. Chair Engel felt the CRA should push forward to have a code enforcement officer as graffiti was starting again. Chair Engel also felt that the dumpster needed to be enclosed, etc. Mr. Allen said he would check into it again. Chair Engel asked if a representative from the Code Compliance Department could attend the CRA meetings monthly.
- Ms. Santini questioned the status of the Davie-Cooper City Chamber of Commerce building and their improvements.

**ADJOURNMENT TIME: 1:55 p.m.**

**January 30, 2006**  
**Date**

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**Mark Engel, Chair**

**ADJOURNMENT TIME: 1:55 p.m.**



**Date**

**Mark Engel, Chair**